



ETHICS REVIEW COMMISSION

MEETING MINUTES

Wednesday, August 12, 2020

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, August 12, 2020, Austin, Texas via Videoconference.

Chair Luis Soberon called the meeting to order at 6:06 p.m.

Commissioners in attendance: Chair Luis Soberon, Vice-Chair J. Michael Ohueri, Secretary Kenneth “Tray” Gober, and Commissioners Debra Danburg, Betsy Greenberg, Mary Kahle, Raafia Lari, Robin Lerner, and Donna Beth McCormick. Commissioners Nathan Ryan and Pedro A. Villalobos were absent.

City Staff in Attendance: Lynn Carter, Commission Executive Liaison & Assistant City Attorney, and Sue Palmer, Staff Liaison, Law Department.

CITIZEN COMMUNICATION

Each person who signed up to speak prior to the meeting being called to order and who designated this item on which to speak, or who did not designate an agenda item on which to speak will be allowed three minutes to speak.

Three members of the public spoke: Ana Aguirre, Zenobia Joseph, and Megan Meisenbach.

1. OLD BUSINESS

Discussion and possible action regarding the following:

- a. 2020 Austin city council candidate forums: including an update from city staff

Commission Executive Liaison Lynn Carter updated the Commission on the status of the 2020 City Council election candidate forums, which included the following in part. The September issue of the Austin Energy/utility newsletter will provide information on the candidate forums. The moderated candidate forums will air on ATXN.TV in English and Spanish, cable TV channel 6, AT & T U-Verse channel 99, KAZI FM 88.7. The moderated candidate forums will be streamed live and also available on the archive at ATXN (in English and Spanish). All candidate forums moderated by the League of Women Voters-Austin Area (LWV-AA) will be conducted virtually.

During the moderated candidate forums, a limited number of citizens will be able to call into a phone number to listen to the forums if they do not have a TV, radio, or computer/internet access to the candidate forums. The LWV-AA is requesting questions from citizens prior to the moderated forums.

Secondly, candidates will be given an opportunity to record a five-minute video-recorded statement with ATXN, which will be posted on the ATXN website. If a candidate does not have a computer, the City will provide a computer for the candidate to use if needed and the City will assist with other technology needs for both the moderated candidate forums and the five-minute recorded statement.

The third forum is a questionnaire by the LWV-AA. Candidate responses to the questionnaire will be available on the City's website and at Austin Public Library website. We are also asking the libraries to make the candidate response to the questionnaire available at curbside pickup.

A budget request would be required for paid advertising of the moderated candidate forums.

The Commission asked questions and discussed the planned candidate forums.

- b. Working group status reports and/or recommendations on the following.
- i. Working group one (Vice-Chair Ohueri and Commissioners Greenberg and Lerner) on the following subjects:
 - Commission sanctions including effectiveness, past cases, and recommendations.
 - Potential amendments to City Code, Chapter 2-7 (Ethics and Financial Disclosure).

The working group provided an update, including comparing sanctions used in other cities, and asked for an executive session or confidential legal memo in regard to civil penalties/fines by the next meeting.

- ii. Working group two (Chair Soberon, Secretary Gober, and Commissioner Lari) on the following subjects:
 - Commission procedures including effectiveness, past cases, and recommendations.
 - Scope of work of the Commission (powers, duties, and obligations), including effectiveness, past cases, and recommendations.
 - Potential amendments to the Rules of the Ethics Review Commission.
 - Best practices for city attorney opinions including effectiveness, past cases, and recommendations

Chair Soberon reported that this working group will be meeting soon.

- iii. Equity Working Group (Commissioners Kahle, Lari, and Ryan) – addressing issues of race, identity, and equity including: (i) planning for a presentation or training by the Equity Office at a future Commission meeting; (ii) helping focus the Commission's evaluation of racial injustice and how the Commission can operate more fairly and effectively in light of racial injustice.

The working group provided an update, including that the Equity Office will provide a presentation at the Sept. 9th Commission meeting. Members of the working group will attend a two-hour workshop about Racial Equity.

Commissioner Lari stated her intent to withdraw from working group two to focus on the Equity Working Group.

- iv. Transparency in the open meeting process in consideration of individuals without internet access or other technology challenges for virtual viewing and participation.

This item was discussed and Commissioner Greenberg shared a proposed resolution. Commission members asked the liaisons to provide the resolution recommendations to the City's Computer Technology Management Department (CTM) and to ask if the recommendations were doable. Commission members also asked if a platform other than Cisco WebEx can be used for open meetings at the City and whether City staff can provide instructions to public speakers in multiple languages such as the languages available for voters.

No formal action was taken on this item.

3. APPROVAL OF MINUTES: JULY 8, 2020 REGULAR COMMISSION MEETING.

Discussion and possible action regarding the minutes for the July 8, 2020 regular commission meeting.

Secretary Gober made a motion to adopt the minutes, which was seconded by Vice-Chair Ohueri. The motion passed on a vote of 7-0-2 by the members in attendance. Voting in favor: Chair Soberon, Vice-Chair Ohueri, Secretary Gober, and Commissioners Danburg, Greenberg, Kahle, and McCormick. Commissioner Lari abstained and Commissioner Lerner's audio connection was not working. Commissioner Lari reported that Commissioner Lerner communicated her intent to abstain. (Whether the record reflects an absence or abstention by Commissioner Lerner, the result is the same, the motion passes on a favorable vote of seven members.) Commissioners Ryan and Villalobos were absent.

4. FUTURE AGENDA ITEMS

There will be a presentation by the Equity Office at the Sept. 9th meeting.

CTM will be asked to attend the Sept. 9th meeting on the item of transparency in the open meeting process.

The City Auditor's office will present potential amendments to City Code Section 2-3-5 regarding the City Auditor's referral authority.

The working groups will continue to be included as standing items on future agendas.

ADJOURNMENT

The meeting adjourned at 7:38 p.m.